

PREPARED BY: Mike Lovelace
 DATE PREPARED: April 22, 2013
 PHONE: 471-0050

LB 493

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised to reflect amendments adopted through April 19, 2013.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2013-14		FY 2014-15	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 493 would allow the Game and Parks Commission to lease or otherwise transfer portions of the Cowboy Trail to a political subdivision, and lease portions to a nonprofit organization. The lessee or transferee shall maintain the property at their own expense.

Since the bill is permissive it is unknown when or if such leases or transfers will take place. If the some portions of the Cowboy Trail are actually leased or transferred the Commission's related expenses and revenue would decrease accordingly. Until such time that a lease or transfer takes place the bill represents no fiscal impact.

Technical note: The Commission has indicated that since the property has been "rail-banked" there may be federal restrictions on transferring the property. Please see the attached Game and Parks Commission fiscal note for additional details.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 493	AM: 292	AGENCY/POLT. SUB: Nebraska Game & Parks Commission	
REVIEWED BY: Cindy Miserez	DATE: 2/28/2013	PHONE: 402-471-4174	
COMMENTS: I concur with the analysis and conclusions of the Nebraska Game & Parks Commission regarding the fiscal impact of AM 292. Previous fiscal impact related only to Sheridan County portions of the Cowboy Trail.			

Please complete ALL (5) blanks in the first three lines.

2013

**LB⁽¹⁾ 493
AM292 FISCAL NOTE**

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Game and Parks Commission (Agency 33)

Prepared by: ⁽³⁾ Patrick H. Cole

Date Prepared: ⁽⁴⁾ 2/26/2013

Phone: ⁽⁵⁾ 402-471-5523

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

The proposed legislation as amended would allow the Nebraska Game and Parks Commission to lease or otherwise transfer portions of the Cowboy Trail to political subdivisions, or lease portions to a nonprofit organization. The transferee would be required to maintain the property at its own expense.

The Nebraska Game and Parks Commission (Commission) was authorized and directed to accept as a gift the right-of-way of the Chicago and Northwestern Railroad between milepost 83.3 and milepost 404.5 in Nebraska (now known as the Cowboy Trail) in 1993 (Statute 37-912). Current statutory authority allows the Commission to lease and grant easement rights on the right-of-way and to enter into agreements with public entities for the development and maintenance of the trail. Since the right-of-way has been 'rail-banked', there are limitations at the Federal level, under the National Trails System Act, that might impact the proposed legislation.

The proposed legislation is unclear as to the required maintenance that would be necessary for the transferee, but it is assumed that it would be similar to that currently required of the Commission (i.e. maintain it as a recreational trail, preserve wildlife habitat, control noxious weeds and keep in good repair all crossings).

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14</u>	<u>2014-15</u>
	<u>13-14</u>	<u>14-15</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Portions of the trail have not been fully developed as an active component of the Cowboy Trail. Expenses have been primarily limited to noxious weed control on those portions. Additionally portions of the trail have also been leased for haying. Depending upon which, if any, portions are actually leased or transferred there could be a decrease in revenue as well as expenses. Since no specific portions are identified, no definitive fiscal impact can be estimated, although it is not expected to be significant.

It is anticipated that any transfer of portions of the trail would be subject to the review and approval of the Surface Transportation Board and subject to possible restrictions related to federal Transportation Enhancement funding.